

REMARKS

Applicant thanks the Examiner for granting Applicant the opportunity to telephonically discuss the Final Rejection with him on October 14, 2010. During the interview, Applicant's representative pointed out the novel and unobvious features of the instant invention relative to the prior art cited by the Examiner. At the conclusion of the interview, the Examiner tentatively agreed that the language that has now been added to independent claims 1 and 13 patentably distinguished over the prior art and would be favorably considered by the Examiner if presented along with a Request for Continued examination.

Amended claim 1 now recites an implement for manipulating a knotted suture during a surgical procedure, including an elongated shaft having a proximal end engageable by the user for manipulating the instrument, and a distal end engageable with the knotted suture to be manipulated. The distal end of the elongated shaft has an end face formed with a recess for receiving the knot of the suture, wherein the distal end of the elongated shaft is formed with an open slot starting from a location spaced from the end face and extending along the outer surface of the elongated shaft to the recess in the end face, such as to enable the knotted suture to be introduced into the slot and the recess by effecting a sidewise movement of the knotted suture with respect to the elongated shaft, or vice-versa. The open slot is formed with a first section leading from the recess towards the proximal end of the elongated shaft, and a second section leading from a juncture with the first section back towards the distal end of the elongated shaft but terminating short of, and proximal to, the end face, the end of the second slot section coming to an apex.

Furusawa does not disclose, at the very least, the end of a second slot section coming to an apex. Rather, Furusawa shows the end of the "second slot section" C as rounded. Therefore, for at least the foregoing reason, Furusawa does not disclose the subject matter of amended independent claim 1. The remaining references cited by the Examiner in the Final Office Action, namely Andreas et al, Pierce and Dana et al do not remedy the above deficiency of Furusawa, and thus claim 1 should be deemed patentable, and its rejection over the art of record should be withdrawn.

Independent claim 13 has been similarly amended, and should be allowable for the above reasons. Dependent claims 2, 4-12 and 15-20, dependent respectively from independent claims 1 and 13, should also be in allowable condition

The absence in this reply of any comments on the other contentions set forth in the Office Action should not be construed to be an acquiescence therein. Rather, no comment is needed since the rejections should be withdrawn for at least the foregoing reasons.

Should the Examiner wish to discuss any aspect of this response or possibly suggest action on the part of Applicant to advance the application further to grant, the Examiner is invited to contact the undersigned.

In view of the foregoing, it is believed this application is now in condition for allowance, and an early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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Enclosed:

- Petition for Extension (Three Months)
- Request for Continued Examination (RCE)